

there was an arrangement made to create a separate mechanism, a collusive arbitration arrangement, whereby Mark Murr would receive up to \$520 million out of the recovery of the State of Texas.

As it turned out, during my investigation as attorney general, we determined that the contract upon which Mr. Murr claimed a right to be paid had been falsified, backdated, and literally been cut and pasted to make it look as if he had done some work on the case and had been involved in the case much earlier than he really had. In truth, and in fact, I believe he did not do any work to justify that fee.

During the 4 years that I was attorney general of the State of Texas, we conducted an investigation into that matter, were successful in preventing Mr. Murr from making the claim for that money against the treasury of the State of Texas, and ultimately, I believe, provided the factual basis under which the U.S. attorney was able to present that case to the grand jury, and ultimately resulting in the indictment of the former attorney general of the State of Texas.

I say that with no pleasure at all. It is a tragedy, a terrible tragedy. But it is a story of how a steward of the public trust has violated that trust and now must be held accountable for violating that trust. But in the process,

and what this amendment addresses specifically, is the manner in which five private lawyers enrich themselves at the expense of the State of Texas and how other lawyers across the country, during the course of this tobacco litigation, enrich themselves at the expense of their State clients in breach of their fiduciary duties.

The Internal Revenue Code provides a mechanism where those who breach fiduciary duties—whether they be a trustee or, in this case, a lawyer representing a client—can be taxed. It provides another mechanism, a nonlitigation mechanism, to enforce that fiduciary duty that is owed by the fiduciary to the client. In this case, I believe it is an opportunity for this body to find funds—if, in fact, it is the will of the majority of this body—and to see Federal dollars, or money that otherwise is paid by Federal taxpayers, go to State taxpayers. It provides another opportunity to provide up to \$9 billion of additional funds by simply enforcing the fiduciary duty owed by these lawyers to their clients, the various States.

So I am pleased to join Senator KYL and Senator ALEXANDER in cosponsoring this amendment that would, if adopted by this body, provide an additional \$9 billion in State aid, in a way that I believe ultimately does justice,

by enforcing this fiduciary duty owed by the lawyers to the client.

Let me just say, Mr. President, in closing, that I support the Jobs and Economic Growth Act of 2003. Even though I think it will undergo a number of amendments and will ultimately not be exactly what any of us would like, I believe it provides a necessary prescription for what ails the economy and will provide a necessary jump-start to allow taxpayers, the ones who earn the money, to keep more of that money and spend it as they see fit, and to allow small businesses that earn the money to reinvest in their businesses and create new jobs in a way that will ultimately help us grow our way out of our current economic doldrums.

So I am happy to support this important legislation and happy to add my voice to hopefully putting America back to work.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that all pending amendments be temporarily set aside so the Senator from Louisiana can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

## NOTICE

*Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.*

### ORDERS FOR THURSDAY, MAY 15, 2003

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m., Thursday, May 15. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time of the two leaders be reserved for their use later in the day, and that the Senate then resume consideration of Calendar No. 97, S. 1054, the jobs and economic growth bill, as provided under the previous order; provided further that no second-degree amendments be in order to the amendments offered during Wednesday's session, prior to a vote in relationship to the amendment.

Finally, I ask unanimous consent that following the first vote, all succeeding votes in sequence be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PROGRAM

Mr. GRASSLEY. For the information of all Senators, the Senate will resume consideration of the jobs and economic

growth bill and immediately begin a series of stacked votes on the remaining amendments to the bill. There are approximately 25 amendments that will need to be disposed of. Following the votes on the pending amendments, additional amendments are possible and therefore this is going to be a very lengthy voting sequence. All Members are urged to remain close to the Chamber during this so-called vote-arama in order to expedite passage of this bill.

I also ask that any Member who intends to offer an amendment during tomorrow's session contact the chairman and ranking member of the Finance Committee. We are not encouraging additional amendments. However, it would be helpful to know in advance the substance of the amendment to be offered. The majority leader has stated that we will finish the jobs and economic growth bill on Thursday.

Under a previous order, following passage of the jobs and economic growth bill, the Senate will begin consideration of H.R. 1298, the Global HIV/AIDS bill. The majority leader has also stated it is his intention to complete action on this vital legislation this week as well.

Finally, I say to my colleagues that tomorrow will be a very busy session,

with numerous rollcall votes. With the cooperation of all Members, we can finish our work on these two bills in an orderly way.

### UNANIMOUS CONSENT AGREEMENT—CORRECTION ON VOTE SEQUENCE

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. There is a correction on the vote sequence. Landrieu amendment No. 579 in the consent request should be amendment No. 619. I ask unanimous consent that change be made.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. In addition, in the consent request there were two Burns amendments. I ask unanimous consent that be modified so there is only one Burns amendment, and that is amendment No. 593.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. GRASSLEY. If there is no further business to come before the Senate, I ask unanimous consent that the

Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:16 a.m., adjourned until Thursday, May 15, 2003, at 9:15 a.m.

## NOMINATIONS

Executive nominations received by the Senate May 14, 2003:

### EXPORT-IMPORT BANK OF THE UNITED STATES

APRIL H. FOLEY, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2007, VICE DAN HERMAN RENBERG, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### DEPARTMENT OF TRANSPORTATION

NICOLE R. NASON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE SEAN B. O'HOLLAREN, RESIGNED.

### DEPARTMENT OF STATE

GRETA N. MORRIS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS.

### UNITED STATES POSTAL SERVICE

JAMES C. MILLER III, OF VIRGINIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE TERM EXPIRING DECEMBER 8, 2010, VICE EINAR V. DYHRKOPP, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### MERIT SYSTEMS PROTECTION BOARD

NEIL MCPHIE, OF VIRGINIA, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2009, VICE BETH SUSAN SLAVET, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### FEDERAL LABOR RELATIONS AUTHORITY

PETER EIDE, OF MARYLAND, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS, VICE JOSEPH SWERDZENSKI, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

STANLEY C. SUBOLESKI, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2006, VICE MARC LINCOLN MARKS, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NAOMI CHURCHILL EARP, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2005, VICE REGINALD EARL JONES, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

WILLIAM A. SCHAMBRA, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING SEPTEMBER 14, 2006, VICE CAROL W. KINSLEY, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DONNA N. WILLIAMS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2006, VICE ROBERT B. ROGERS, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### LEGAL SERVICES CORPORATION

THOMAS A. FUENTES, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005, VICE THOMAS F. SMEGAL, JR., TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

LILLIAN R. BEVIER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004, VICE HULETT HALL ASKEW, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### DEFENSE NUCLEAR FACILITIES SAFETY BOARD

R. BRUCE MATTHEWS, OF NEW MEXICO, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2005, VICE JOSEPH DINUNNO, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

### To be lieutenant general

MAJ. GEN. JOHN R. VINES, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

### To be major general

BRIGADIER GENERAL LLOYD J. AUSTIN III, 0000  
BRIGADIER GENERAL GARY L. BORDER, 0000  
BRIGADIER GENERAL WILLIAM H. BRANDENBURG, 0000  
BRIGADIER GENERAL RANDAL R. CASTRO, 0000  
BRIGADIER GENERAL JAMES A. COGGIN, 0000  
BRIGADIER GENERAL MARTIN E. DEMPSEY, 0000  
BRIGADIER GENERAL BARBARA G. FAST, 0000  
BRIGADIER GENERAL JOSEPH F. FIL JR., 0000  
BRIGADIER GENERAL BENJAMIN C. FREAKLEY, 0000  
BRIGADIER GENERAL JOHN D. GARDNER, 0000  
BRIGADIER GENERAL BRIAN I. GEEHAN, 0000  
BRIGADIER GENERAL GARY L. HARRELL, 0000  
BRIGADIER GENERAL STEVEN R. HAWKINS, 0000  
BRIGADIER GENERAL JANET E. A. HICKS, 0000  
BRIGADIER GENERAL KENNETH W. HUNZEKER, 0000  
BRIGADIER GENERAL JAMES A. KELLEY, 0000  
BRIGADIER GENERAL RICKY LYNCH, 0000  
BRIGADIER GENERAL MICHAEL R. MAZZUCCHI, 0000  
BRIGADIER GENERAL DENNIS C. MORAN, 0000  
BRIGADIER GENERAL JAMES H. PILLSBURY, 0000  
BRIGADIER GENERAL DAVID C. RALSTON, 0000  
BRIGADIER GENERAL DON T. RILEY, 0000  
BRIGADIER GENERAL JAMES E. SIMMONS, 0000  
BRIGADIER GENERAL EDGAR E. STANTON III, 0000  
BRIGADIER GENERAL GUY C. SWAN III, 0000  
BRIGADIER GENERAL DAVID P. VALCOURT, 0000  
BRIGADIER GENERAL W. MONTAGUE WINFIELD, 0000  
BRIGADIER GENERAL JOHN A. YINGLING, 0000

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

### To be lieutenant general

LT. GEN. WALLACE C. GREGSON JR., 0000

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

### To be rear admiral (lower half)

CAPT. CAROL I. B. TURNER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

### To be rear admiral (lower half)

CAPT. TERRY L. MCCREARY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

### To be rear admiral (lower half)

CAPT. GARY A. ENGLE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

### To be rear admiral (lower half)

CAPT. THOMAS R. CULLISON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

### To be rear admiral (lower half)

CAPT. JEFFREY A. WIERINGA, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

### To be rear admiral (lower half)

CAPT. DAVID J. DORSETT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

### To be rear admiral (lower half)

CAPT. ELIZABETH A. HIGHT, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

### To be rear admiral (lower half)

CAPT. MARTIN J. BROWN, 0000

CAPT. WILLIAM A. KOWBA, 0000

CAPT. MICHAEL J. LYDEN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

### To be rear admiral (lower half)

CAPTAIN JOHN M. BIRD, 0000

CAPTAIN JOHN T. BLAKE, 0000

CAPTAIN FRED BYUS, 0000

CAPTAIN FRANK M. DRENNAN, 0000

CAPTAIN MARK E. FERGUSON III, 0000  
CAPTAIN JOHN W. GOODWIN, 0000  
CAPTAIN RICHARD W. HUNT, 0000  
CAPTAIN ARTHUR J. JOHNSON JR., 0000  
CAPTAIN MARK W. KENNY, 0000  
CAPTAIN JOSEPH F. KILKENNY, 0000  
CAPTAIN WILLIAM E. LANDAY, 0000  
CAPTAIN MICHAEL A. LEFEVER, 0000  
CAPTAIN GERARD M. MAUER JR., 0000  
CAPTAIN DOUGLAS L. MCCLAIN, 0000  
CAPTAIN WILLIAM H. MCRAVEN, 0000  
CAPTAIN RICHARD O'HANLON, 0000  
CAPTAIN KEVIN M. QUINN, 0000  
CAPTAIN RAYMOND A. SPICER, 0000  
CAPTAIN PETER J. WILLIAMS, 0000

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS IN THE UNITED STATES MARINE CORPS FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTION 531:

### To be first lieutenant

BENJAMIN T. ACKISON, 0000  
ALEC H. ACUNA, 0000  
ROBERT M. AGUAM, 0000  
DARRIAN H. AINSWORTH, 0000  
CAMERON W. ALBIN, 0000  
ISMAEL ALCALA, 0000  
SKENDER ALICKA, 0000  
RYAN P. ALLEN, 0000  
THOMAS L. ALLOSSO, 0000  
RICHARD ALVAREZ, 0000  
EDWARD P. AMDAHL, 0000  
MICHAEL E. ANDA, 0000  
MICHAEL A. ANDERSON, 0000  
ROBERT K. ANDERSON, 0000  
SCOTT J. ANDERSON, 0000  
ANTHONY J. ANGELONE, 0000  
ALEXANDER C. ARCINAS, 0000  
DAVID A. ARENAS, 0000  
GREIG E. ARENDT, 0000  
DANIEL ARISPE, 0000  
THOMAS K. ARMSTRONG, 0000  
BARRY S. ARWINE, 0000  
RYAN W. ASLESEN, 0000  
JAMES A. ATCHISON JR., 0000  
DARRYL G. AYERS, 0000  
TIMOTHY J. AYERS, 0000  
RICHARD P. AYRES, 0000  
JOHN L. BABISH, 0000  
ROBERT E. BACZKOWSKI JR., 0000  
BOBBY R. BAILEY JR., 0000  
TASE E. BAILEY, 0000  
RIDLEY P. BAIN, 0000  
GREGORY A. BAKER JR., 0000  
JONATHAN T. BAKER, 0000  
BRADLEY J. BALL, 0000  
BRIAN W. BANN, 0000  
JEFFREY M. BARBER, 0000  
ROBERT G. BARBER, 0000  
ADAM N. BARBORA, 0000  
BRUCE B. BARKER II, 0000  
SEAN W. BARNES, 0000  
ROBERT M. BARNHART JR., 0000  
COLBY E. BARRETT, 0000  
CRAIG D. BARRETT, 0000  
ARTHUR J. BARRON, 0000  
ANDREW E. BARTLE, 0000  
DANIEL J. BARTNICKI, 0000  
KATHARINE A. BARWICK, 0000  
RUSSELL N. BATES, 0000  
CARRIE C. BATSON, 0000  
RYAN J. BAUMAN, 0000  
ERIC E. BAYLES, 0000  
JAMES F. BEAL, 0000  
SHANNON R. BEALL, 0000  
JAMES A. BEAULIEU, 0000  
BRIAN J. BECK, 0000  
JONATHAN W. BEERY, 0000  
DALE R. BEHM, 0000  
WELDON T. BELL II, 0000  
RUSSELL A. BELT II, 0000  
RICARDO BERNAVIDES, 0000  
JOHN T. BERGUSIS, 0000  
CARL E. BERGER, 0000  
ANN BERNARD, 0000  
VICTOR D. BERNARD, 0000  
CHRISTOPH T. BERRY, 0000  
MICHAEL A. BERSKY, 0000  
THOMAS A. BERTRAM JR., 0000  
MATTHEW J. BETLEY III, 0000  
ANURADHA K. BHAGWATI, 0000  
CHAD T. BIGNELL, 0000  
JAMES W. BIRFIELD, 0000  
PAUL F. BISCHOFF, 0000  
ALVIN C. BISSSETTE, 0000  
JOE D. BLACK JR., 0000  
EDWARD J. BLACKSHAW, 0000  
ALEXANDER W. BLAKE, 0000  
MARC E. BLANKENBICKER, 0000  
JOE D. BLOCKER, 0000  
PATRICIA D. BLOCKER, 0000  
BRIAN M. BLOMQUIST, 0000  
CHAD M. BLOOMSTINE, 0000  
CHARLES W. BLOUNT, 0000  
SAMUEL P. BLUNTZER, 0000  
HORACE J. BLY, 0000  
JOHN D. BOLT, 0000  
JONATHAN C. BONNETTE, 0000  
DAVID I. BONNEY, 0000  
NEIL E. BOOHER, 0000  
ADAM P. BOOTH, 0000  
MICHAEL A. BOURQUIN, 0000  
JONATHAN M. BOYD, 0000  
KURT A. BOYD, 0000  
BROOKS D. BRADEN, 0000